

## **REMARKS**

Claims 1-5 are pending. Upon entry of this Amendment After Final, claim 2 will be rewritten in independent form to include all the features of its base claim.

Accordingly, claims 1 and 2 will be independent. Applicant notes that claims 2-5 were indicated as containing allowable subject matter.

Applicant respectfully requests that this amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-5 in condition for allowance. The proposed amendment of claim 2 does not raise new issues because it merely incorporates the subject matter of its base claim. Therefore, this Amendment should allow for immediate action by the Examiner. In addition, entry of the amendment would place the application in better form for appeal, should the rejection be maintained.

### **Claim Rejections Under 35 U.S.C. § 102(b)**

In the Office Action, claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by German patent DE 498917 ("the '917 patent"), as being anticipated by Soviet Union patent SU 659503 ("the '503 patent"), and as being anticipated by U.S. Patent No. 5,159,995 to Sissala et al. ("Sissala").

According to M.P.E.P. § 2131, "to anticipate a claim, the reference must teach every element of the claim." Further, a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Id.* (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). These rejections are respectfully traversed based on the following comments.

A. Claim 1 is patentable over the '917 patent

Based on the figures, the '917 patent appears to teach an elevator stopping device in which a planar surface of a system (b) engages an elevator guide rail (p). The '917 patent appears to disclose a system where if a wedge block (a) is moved diagonally upwards relative to beam M, the wedge block (a) would also move closer to the guide rail (p). The wedge block (a) appears to include a recess housing the system (b). When the wedge block (a) moves close enough to the guide rail (p), the system (b) would appear to come into contact with the guide rail (p). After the system (b) contacts the guide rail (p), any additional upward movement of the wedge block (a) would appear to force the system (b) further into the recess in the wedge block (a), thereby compressing the springs (c) located between the system (b) and the back of the recess in wedge block (a). As the springs are compressed, an increasing force would develop on the guide rail (p). See the '917 patent, FIGs. 2 and 3.

Thus, the '917 patent discloses a system that would increase the braking force during use because as the wedge block (a) moves upward, the system (b) would be pressed against the guide rail (p) with increasing force. This is because the force from the springs (c) would push the system (b) against the guide rail (p), where the force from the springs is a function of the displacement of the springs from equilibrium (i.e., Hooke's law,  $F = -k \cdot x$ , where  $k$  is the spring constant and  $x$  is the displacement from equilibrium). As can be seen in FIG. 2 of the '917 patent, as the wedge block (a) moves upward, the springs (c) would compress. The more the springs compress, the higher the restoring force of the springs, pushing the system (b) against the guide rail (p). Therefore, as the wedge block (a) moves upward, the braking force against the guide

rail (p) would increase. Because of this, based on Applicant's understanding of the applied reference, the claim limitation of "a mechanism whereby a dimension of said wedge-shaped element . . . is changed . . . to maintain the braking force at a substantially constant level" is not disclosed in the '917 patent. Because the '917 patent does not teach every element of independent claim 1, as required by M.P.E.P. § 2131, claim 1 is not anticipated by the '917 patent. Applicant respectfully submits that the rejection should be withdrawn.

B. Claim 1 is patentable over the '503 patent

In order to fully address the rejection, an English language translation of Russian Patent 659503 is being attached to and concurrently filed with this Reply. Based upon the English translation and figures, the '503 patent discloses a "safety device for decelerating a lift cabin." See '503 patent translation, title. The safety device includes "wedges 1, mounted so as to allow for straight vertical motion within the body 2." '503 patent translation, page 1. As the lift cabin falls, the wedges (1) are moved upward into the body (2), and the shoes (5) move in relation to pegs (12), away from a rigid guide (7). Springs (6) press the wedges (1) against the rigid guide (7), thus applying a braking force to decelerate the motion of the lift cabin. See Translation, page 2.

As the springs (6) are compressed, they provide an increasing resistance, forcing the wedges (1) against the rigid guide (7) to apply the braking force. Thus, because of the spring force, the braking force increases as the wedges (1) advance into the body (2), as explained above. Because the braking force increases, the '503 patent fails to anticipate all the features of claim 1, including at least a "mechanism whereby a dimension of said wedge-shaped element . . . is changed . . . to maintain the braking

force at a substantially constant level.” Because the ‘503 patent does not teach every element of independent claim 1, as required by M.P.E.P. § 2131, Applicant respectfully submits that the rejection should be withdrawn.

C. Claim 1 is patentable over Sissala

Sissala also fails to teach Applicant’s combination recited in claim 1, as amended, including at least a “mechanism whereby a dimension of said wedge-shaped element...is changed . . . to maintain the braking force at a substantially constant level.”

Sissala discloses a wedge (2) that can move upward in relation to a wedge housing (1). As this occurs, the wedge (2) forces the wedge housing (1) to move laterally. As a result of this lateral motion, the braking surface of the wedge (2) on the opposite side touches the guide rail (11) and the wedge (2) continues moving upwards in relation to the housing (1), which in turn continues moving laterally until it reaches the set limit. See Sissala, column 2, lines 32-46. Centering springs are placed on one side of the gear housing (1). See Sissala, column 2, lines 22-24. These centering springs appear to apply a restoring force, pressing the gear housing (1) against the guide rail (11).

The system disclosed in Sissala cannot “maintain the braking force at a substantially constant level” as recited in claim 1. Instead, such a system will increase the breaking force as the car slows. This is because as the wedge (2) moves upward, the pressure applied against the wedge (and thus against the rail) increases by virtue of the centering springs (4) (having a higher restoring force the more they are compressed, as explained above). Accordingly, as the wedge (2) moves up, the force pushing the wedge (2) against the rail (11) increases. Thus, the braking force

increases. Because Sissala does not disclose a system having a "mechanism whereby a dimension of said wedge-shaped element . . . is changed . . . to maintain the braking force at a substantially constant level," it cannot anticipate claim 1. Because Sissala does not teach every element of independent claim 1, as required by M.P.E.P. § 2131, Applicant respectfully requests that the rejection be withdrawn.

### **Conclusion**

For at least the reasons set forth above, pending claims 1-5 should be allowable. Therefore, Applicant respectfully requests entry of this Amendment, the reconsideration of this application, the withdrawal of the outstanding claim rejections, and the allowance of claims 1-5. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: 5/18/04

By: 

Richard V. Burgujian  
Reg. No. 31,744

**Attachment: English language translation of Russian Patent 659503**